

AMENDED IN SENATE JULY 12, 2011

AMENDED IN SENATE JUNE 28, 2011

AMENDED IN ASSEMBLY MAY 27, 2011

AMENDED IN ASSEMBLY APRIL 26, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1053

Introduced by Assembly Member Gordon

February 18, 2011

An act to amend Sections 100430 and 103625 of, and to amend, repeal, and add Section 100425 of, the Health and Safety Code, and to amend Section 903.15 of the Welfare and Institutions Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1053, as amended, Gordon. Local government: penalties and fees.

(1) Existing law requires that a base fee of \$3 be paid by an applicant for a certified copy of a fetal death or death record and requires that a base fee of \$3 be paid by a public agency or private adoption agency applicant, and a base fee of \$9 be paid by any other applicant, for a certified copy of a birth certificate. Existing law authorizes the fee to be adjusted pursuant to a specified method, not to exceed the total increased cost of the program or service provided.

This bill would raise each of those base fees by \$9, as prescribed. This bill would remove the authorization to adjust the fee pursuant to that specified method, and commencing January 1, 2014, would require the fee to be adjusted pursuant to that specified method. The bill would

declare that the increased fee would more accurately reflect the true cost of providing those documents.

(2) Existing law requires the parent of any minor, or other person who is liable for the support of that minor, on whose behalf a petition is filed to make the minor a ward of the court as provided, when the minor is represented by appointed counsel, to be assessed a registration fee not to exceed \$25 at the time legal services are provided, as long as the person is financially able to pay.

This bill would raise that fee to \$50.

(3) This bill would make conforming changes and delete obsolete provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The fees charged for providing certified copies of birth and
4 death records have not kept pace with the true cost of providing
5 certified copies of those records. Sections 5 and 6 of this act
6 address those deficiencies by raising the fees charged for those
7 records to a level that more accurately reflects the true costs
8 incurred by the agencies providing those certified copies.

9 (b) The fees charged for the issuance of certified birth and death
10 records shall continue to reflect the true costs of the services
11 provided as those fees are to be adjusted annually by the formula
12 set forth in Section 100425 of the Health and Safety Code, and the
13 amounts collected are prohibited from exceeding the total increased
14 reasonable cost for the services provided.

15 SEC. 2. Section 100425 of the Health and Safety Code is
16 amended to read:

17 100425. (a) The fees or charges for the issuance or renewal
18 of any permit, license, registration, or document pursuant to
19 Sections 1639.5, 1676, 1677, 2805, 106700, 106890, 106925,
20 107080, 107090, 107095, 107160, 110210, 110470, 111130,
21 111140, 111630, 112405, 112510, 112750, 112755, 113060,
22 113065, 115035, 115065, 115080, 116205, 117923, 117995,
23 118045, 118210, and 118245 shall be adjusted annually by the
24 percentage change printed in the Budget Act for those items

1 appropriating funds to the state department. After the first annual
2 adjustment of fees or charges pursuant to this section, the fees or
3 charges subject to subsequent adjustment shall be the fees or
4 charges for the prior calendar year. The percentage change shall
5 be determined by the Department of Finance, and shall include at
6 least the total percentage change in salaries and operating expenses
7 of the state department. However, the total increase in amounts
8 collected under this section shall not exceed the total increased
9 cost of the program or service provided.

10 (b) The state department shall publish annually a list of the
11 actual numerical fee charges for each permit, license, certification,
12 or registration governed by this section.

13 (c) This adjustment of fees and publication of the fee list shall
14 not be subject to the requirements of Chapter 3.5 (commencing
15 with Section 11340) of Part 1 of Division 3 of Title 2 of the
16 Government Code.

17 (d) This section shall remain in effect only until January 1, 2014,
18 and as of that date is repealed, unless a later enacted statute, that
19 is enacted before January 1, 2014, deletes or extends that date.

20 SEC. 3. Section 100425 is added to the Health and Safety Code,
21 to read:

22 100425. (a) The fees or charges for the issuance or renewal
23 of any permit, license, registration, or document pursuant to
24 Sections 1639.5, 1676, 1677, 2805, 103625, 106700, 106890,
25 106925, 107080, 107090, 107095, 107160, 110210, 110470,
26 111130, 111140, 111630, 112405, 112510, 112750, 112755,
27 113060, 113065, 114065, 115035, 115065, 115080, 116205,
28 117923, 117995, 118045, 118210, and 118245 shall be adjusted
29 annually by the percentage change printed in the Budget Act for
30 those items appropriating funds to the state department. After the
31 first annual adjustment of fees or charges pursuant to this section,
32 the fees or charges subject to subsequent adjustment shall be the
33 fees or charges for the prior calendar year. The percentage change
34 shall be determined by the Department of Finance, and shall
35 include at least the total percentage change in salaries and operating
36 expenses of the state department. However, the total increase in
37 amounts collected under this section shall not exceed the total
38 increased cost of the program or service provided.

1 (b) The state department shall publish annually a list of the
2 actual numerical fee charges for each permit, license, certification,
3 or registration governed by this section.

4 (c) This adjustment of fees and publication of the fee list shall
5 not be subject to the requirements of Chapter 3.5 (commencing
6 with Section 11340) of Part 1 of Division 3 of Title 2 of the
7 Government Code.

8 ~~(d) This section shall become operative on January 1, 2014.~~

9 *(d) With respect to the fees or charges pursuant to Section*
10 *103625, the actual dollar fee or charge shall be rounded to the*
11 *nearest whole dollar.*

12 *(e) This section shall become operative on January 1, 2014.*

13 SEC. 4. Section 100430 of the Health and Safety Code is
14 amended to read:

15 100430. (a) (1) The fees or charges for a record search or for
16 the issuance of any license, permit, registration, or any other
17 document pursuant to Section 26840 of the Government Code, or
18 Section 102525, 102625, 102670, 102725, 102750, 103040.1,
19 103050, 103065, 103225, 103325, 103400, 103425, 103450,
20 103525, 103590, 103650, 103675, 103690, 103695, 103700,
21 103705, 103710, 103715, 103720, 103725, or 103735 of this code,
22 may be adjusted annually by the percentage change determined
23 pursuant to Section 100425.

24 (2) The base amount to be adjusted shall be the statutory base
25 amount of the fee or charge plus the sum of the prior adjustments
26 to the statutory base amount. Whenever the statutory base amount
27 is amended, the base amount shall be the new statutory base amount
28 plus the sum of adjustments to the new statutory base amount
29 calculated subsequent to the statutory base amendment. The actual
30 dollar fee or charge shall be rounded to the next highest whole
31 dollar.

32 (b) Beginning January 1, 1983, the department shall annually
33 publish a list of the actual numerical fee charges as adjusted
34 pursuant to this section. This adjustment of fees and the publication
35 of the fee list shall not be subject to the requirements of Chapter
36 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
37 Title 2 of the Government Code.

38 SEC. 5. Section 103625 of the Health and Safety Code, as
39 amended by Section 9 of Chapter 529 of the Statutes of 2010, is
40 amended to read:

1 103625. (a) A fee of twelve dollars (\$12) shall be paid by the
2 applicant for a certified copy of a fetal death or death record.

3 (b) (1) A fee of twelve dollars (\$12) shall be paid by a public
4 agency or licensed private adoption agency applicant for a certified
5 copy of a birth certificate that the agency is required to obtain in
6 the ordinary course of business. A fee of eighteen dollars (\$18)
7 shall be paid by any other applicant for a certified copy of a birth
8 certificate. Four dollars (\$4) of any eighteen-dollar (\$18) fee is
9 exempt from subdivision (e) and shall be paid either to a county
10 children's trust fund or to the State Children's Trust Fund, in
11 conformity with Article 5 (commencing with Section 18965) of
12 Chapter 11 of Part 6 of Division 9 of the Welfare and Institutions
13 Code. Two dollars (\$2) of any eighteen-dollar (\$18) fee is exempt
14 from subdivision (e) and shall be paid to the Umbilical Cord Blood
15 Collection Program Fund in conformity with Section 1628.

16 (2) The board of supervisors of any county that has established
17 a county children's trust fund may increase the fee for a certified
18 copy of a birth certificate by up to three dollars (\$3) for deposit in
19 the county children's trust fund in conformity with Article 5
20 (commencing with Section 18965) of Chapter 11 of Part 6 of
21 Division 9 of the Welfare and Institutions Code.

22 (c) A fee of three dollars (\$3) shall be paid by a public agency
23 applicant for a certified copy of a marriage record, that has been
24 filed with the county recorder or county clerk, that the agency is
25 required to obtain in the ordinary course of business. A fee of six
26 dollars (\$6) shall be paid by any other applicant for a certified
27 copy of a marriage record that has been filed with the county
28 recorder or county clerk. Three dollars (\$3) of any six-dollar (\$6)
29 fee is exempt from subdivision (e) and shall be transmitted monthly
30 by each local registrar, county recorder, and county clerk to the
31 state for deposit into the General Fund as provided by Section
32 1852 of the Family Code.

33 (d) A fee of three dollars (\$3) shall be paid by a public agency
34 applicant for a certified copy of a marriage dissolution record
35 obtained from the State Registrar that the agency is required to
36 obtain in the ordinary course of business. A fee of six dollars (\$6)
37 shall be paid by any other applicant for a certified copy of a
38 marriage dissolution record obtained from the State Registrar.

1 (e) Each local registrar, county recorder, or county clerk
2 collecting a fee pursuant to subdivisions (a) to (d), inclusive, shall
3 do the following:

4 (1) Transmit 15 percent of the fee for each certified copy to the
5 State Registrar by the 10th day of the month following the month
6 in which the fee was received.

7 (2) Retain 85 percent of the fee for each certified copy solely
8 to support the issuing agency for all activities related to the
9 issuance of certified copies of records pursuant to subdivisions (a)
10 to (d), inclusive.

11 (f) In addition to the fees prescribed pursuant to subdivisions
12 (a) to (d), inclusive, all applicants for certified copies of the records
13 described in those subdivisions shall pay an additional fee of three
14 dollars (\$3), that shall be collected by the State Registrar, the local
15 registrar, county recorder, or county clerk, as the case may be.

16 (g) The local public official charged with the collection of the
17 additional fee established pursuant to subdivision (f) may create
18 a local vital and health statistics trust fund. The fees collected by
19 local public officials pursuant to subdivision (f) shall be distributed
20 as follows:

21 (1) Forty-five percent of the fee collected pursuant to subdivision
22 (f) shall be transmitted to the State Registrar.

23 (2) The remainder of the fee collected pursuant to subdivision
24 (f) shall be deposited into the collecting agency's vital and health
25 statistics trust fund, except that in any jurisdiction in which a local
26 vital and health statistics trust fund has not been established, the
27 entire amount of the fee collected pursuant to subdivision (f) shall
28 be transmitted to the State Registrar.

29 (3) Moneys transmitted to the State Registrar pursuant to this
30 subdivision shall be deposited in accordance with Section 102247.

31 (h) Moneys in each local vital and health statistics trust fund
32 shall be available to the local official charged with the collection
33 of fees pursuant to subdivision (f) for the applicable jurisdiction
34 for the purpose of defraying the administrative costs of collecting
35 and reporting with respect to those fees and for other costs as
36 follows:

37 (1) Modernization of vital record operations, including
38 improvement, automation, and technical support of vital record
39 systems.

1 (2) Improvement in the collection and analysis of health-related
2 birth and death certificate information, and other community health
3 data collection and analysis, as appropriate.

4 (i) Funds collected pursuant to subdivision (f) shall not be used
5 to supplant funding in existence on January 1, 2002, that is
6 necessary for the daily operation of vital record systems. It is the
7 intent of the Legislature that funds collected pursuant to subdivision
8 (f) be used to enhance service to the public, to improve analytical
9 capabilities of state and local health authorities in addressing the
10 health needs of newborn children and maternal health problems,
11 and to analyze the health status of the general population.

12 (j) Each county shall annually submit a report to the State
13 Registrar by March 1 containing information on the amount of
14 revenues collected pursuant to subdivision (f) in the previous
15 calendar year and on how the revenues were expended and for
16 what purpose.

17 (k) Each local registrar, county recorder, or county clerk
18 collecting the fee pursuant to subdivision (f) shall transmit 45
19 percent of the fee for each certified copy to which subdivision (f)
20 applies to the State Registrar by the 10th day of the month
21 following the month in which the fee was received.

22 (l) The nine dollar (\$9) increase to the base fee authorized in
23 subdivision (a) for a certified copy of a fetal death record or death
24 record and subdivision (b) for a certified copy of a birth certificate
25 shall be applied incrementally as follows:

26 (1) A five dollar (\$5) increase applied as of January 1, 2012.

27 (2) An additional two dollar (\$2) increase applied as of January
28 1, 2013.

29 (3) An additional two dollar (\$2) increase applied as of January
30 1, 2014.

31 (m) In providing for the expiration of the surcharge on birth
32 certificate fees on June 30, 1999, the Legislature intends that
33 juvenile dependency mediation programs pursue ancillary funding
34 sources after that date.

35 (n) This section shall remain in effect only until January 1, 2018,
36 and as of that date is repealed, unless a later enacted statute, that
37 is enacted before January 1, 2018, deletes or extends that date.

38 SEC. 6. Section 103625 of the Health and Safety Code, as
39 added by Section 10 of Chapter 529 of the Statutes of 2010, is
40 amended to read:

1 103625. (a) A fee of twelve dollars (\$12) shall be paid by the
2 applicant for a certified copy of a fetal death or death record.

3 (b) (1) A fee of twelve dollars (\$12) shall be paid by a public
4 agency or licensed private adoption agency applicant for a certified
5 copy of a birth certificate that the agency is required to obtain in
6 the ordinary course of business. A fee of sixteen dollars (\$16) shall
7 be paid by any other applicant for a certified copy of a birth
8 certificate. Four dollars (\$4) of any sixteen-dollar (\$16) fee is
9 exempt from subdivision (e) and shall be paid either to a county
10 children's trust fund or to the State Children's Trust Fund, in
11 conformity with Article 5 (commencing with Section 18965) of
12 Chapter 11 of Part 6 of Division 9 of the Welfare and Institutions
13 Code.

14 (2) The board of supervisors of any county that has established
15 a county children's trust fund may increase the fee for a certified
16 copy of a birth certificate by up to three dollars (\$3) for deposit in
17 the county children's trust fund in conformity with Article 5
18 (commencing with Section 18965) of Chapter 11 of Part 6 of
19 Division 9 of the Welfare and Institutions Code.

20 (c) A fee of three dollars (\$3) shall be paid by a public agency
21 applicant for a certified copy of a marriage record, that has been
22 filed with the county recorder or county clerk, that the agency is
23 required to obtain in the ordinary course of business. A fee of six
24 dollars (\$6) shall be paid by any other applicant for a certified
25 copy of a marriage record that has been filed with the county
26 recorder or county clerk. Three dollars (\$3) of any six-dollar (\$6)
27 fee is exempt from subdivision (e) and shall be transmitted monthly
28 by each local registrar, county recorder, and county clerk to the
29 state for deposit into the General Fund as provided by Section
30 1852 of the Family Code.

31 (d) A fee of three dollars (\$3) shall be paid by a public agency
32 applicant for a certified copy of a marriage dissolution record
33 obtained from the State Registrar that the agency is required to
34 obtain in the ordinary course of business. A fee of six dollars (\$6)
35 shall be paid by any other applicant for a certified copy of a
36 marriage dissolution record obtained from the State Registrar.

37 (e) Each local registrar, county recorder, or county clerk
38 collecting a fee pursuant to subdivisions (a) to (d), inclusive, shall
39 do the following:

1 (1) Transmit 15 percent of the fee for each certified copy to the
2 State Registrar by the 10th day of the month following the month
3 in which the fee was received.

4 (2) Retain 85 percent of the fee for each certified copy solely
5 to support the issuing agency for all activities related to the
6 issuance of certified copies of records pursuant to subdivisions (a)
7 to (d), inclusive.

8 (f) In addition to the fees prescribed pursuant to subdivisions
9 (a) to (d), inclusive, all applicants for certified copies of the records
10 described in those subdivisions shall pay an additional fee of three
11 dollars (\$3), that shall be collected by the State Registrar, the local
12 registrar, county recorder, or county clerk, as the case may be.

13 (g) The local public official charged with the collection of the
14 additional fee established pursuant to subdivision (f) may create
15 a local vital and health statistics trust fund. The fees collected by
16 local public officials pursuant to subdivision (f) shall be distributed
17 as follows:

18 (1) Forty-five percent of the fee collected pursuant to subdivision
19 (f) shall be transmitted to the State Registrar.

20 (2) The remainder of the fee collected pursuant to subdivision
21 (f) shall be deposited into the collecting agency's vital and health
22 statistics trust fund, except that in any jurisdiction in which a local
23 vital and health statistics trust fund has not been established, the
24 entire amount of the fee collected pursuant to subdivision (f) shall
25 be transmitted to the State Registrar.

26 (3) Moneys transmitted to the State Registrar pursuant to this
27 subdivision shall be deposited in accordance with Section 102247.

28 (h) Moneys in each local vital and health statistics trust fund
29 shall be available to the local official charged with the collection
30 of fees pursuant to subdivision (f) for the applicable jurisdiction
31 for the purpose of defraying the administrative costs of collecting
32 and reporting with respect to those fees and for other costs as
33 follows:

34 (1) Modernization of vital record operations, including
35 improvement, automation, and technical support of vital record
36 systems.

37 (2) Improvement in the collection and analysis of health-related
38 birth and death certificate information, and other community health
39 data collection and analysis, as appropriate.

1 (i) Funds collected pursuant to subdivision (f) shall not be used
2 to supplant funding in existence on January 1, 2002, that is
3 necessary for the daily operation of vital record systems. It is the
4 intent of the Legislature that funds collected pursuant to subdivision
5 (f) be used to enhance service to the public, to improve analytical
6 capabilities of state and local health authorities in addressing the
7 health needs of newborn children and maternal health problems,
8 and to analyze the health status of the general population.

9 (j) Each county shall annually submit a report to the State
10 Registrar by March 1 containing information on the amount of
11 revenues collected pursuant to subdivision (f) in the previous
12 calendar year and on how the revenues were expended and for
13 what purpose.

14 (k) Each local registrar, county recorder, or county clerk
15 collecting the fee pursuant to subdivision (f) shall transmit 45
16 percent of the fee for each certified copy to which subdivision (f)
17 applies to the State Registrar by the 10th day of the month
18 following the month in which the fee was received.

19 (l) In providing for the expiration of the surcharge on birth
20 certificate fees on June 30, 1999, the Legislature intends that
21 juvenile dependency mediation programs pursue ancillary funding
22 sources after that date.

23 (m) This section shall become operative on January 1, 2018.

24 SEC. 7. Section 903.15 of the Welfare and Institutions Code
25 is amended to read:

26 903.15. (a) The parent of any minor, or other person who is
27 liable for the support of the minor, on whose behalf a petition is
28 filed pursuant to Section 601 or 602, when the minor is represented
29 by appointed counsel, shall be assessed a reasonable registration
30 fee not to exceed fifty dollars (\$50) at the time the legal services
31 are provided. Notwithstanding this subdivision, no fee shall be
32 required of any parent or other person who is financially unable
33 to pay the fee.

34 (b) At the time of appointment of counsel by the court, or upon
35 commencement of representation by the public defender, if prior
36 to court appointment, the parent or other person who is liable for
37 the support of the minor shall be asked if he or she is financially
38 able to pay the registration fee or any portion thereof. If the parent
39 or other person indicates that he or she is able to pay the fee or a
40 portion thereof, the court or public defender shall make an

1 assessment in accordance with ability to pay. No fee shall be
2 assessed against any parent or other person who asserts that he or
3 she is unable to pay the fee or any portion thereof. No other inquiry
4 concerning the parent's or other person's ability to pay shall be
5 made until proceedings are held pursuant to Section 903.45.

6 (c) No minor shall be denied the assistance of appointed counsel
7 due solely to the failure of the parent or other person to pay the
8 registration fee. The registration fee shall be a joint and several
9 liability of the parent or other person who is liable for the support
10 of the minor. An order to pay the registration fee may be enforced
11 in the manner provided for enforcement of civil judgments
12 generally, but may not be enforced by contempt.

13 (d) The fact that a parent or other person who is liable for the
14 support of the minor has or has not been assessed a fee pursuant
15 to this section shall have no effect in any later proceedings held
16 pursuant to Section 903.1 or 903.45, except that the parent or other
17 person shall be given credit for any amounts paid as a registration
18 fee toward any assessment imposed pursuant to Section 903.1 or
19 903.45 for legal services.

20 (e) This section shall be operative in a county only upon the
21 adoption of a resolution or ordinance by the board of supervisors
22 electing to establish the registration fee and setting forth the manner
23 in which the funds shall be collected and distributed. Collection
24 procedures, accounting measures, and the distribution of the funds
25 received pursuant to this section shall be within the discretion of
26 the board of supervisors.